U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: NAN-2000-422-YN PROJECT LOCATION INFORMATION: New York State: County: Albany Center coordinates of site (latitude/longitude): lat: 42-45-38 lon: 73-43-53 Approximate size of area (parcel) reviewed, including uplands: 33.36 acres. Name of nearest waterway: Wetlands Name of watershed: Hudson River JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [X]Date(s): 7-25-00 and 10-17-00 Site visit(s) Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [](1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [](2) The presence of interstate waters including interstate wetlands¹. [](3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

- destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [](6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The water within the wetlands flow into an unnamed tributary which flows into the Mohawk River which is currently a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)						
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:					
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects					

[] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	[] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] ve	egetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetland Ecological Services	d delineation map and/or in a delineation report prepared by: North Country
Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 3 [] Headquarters declined to approve jurisdiction on the basis [] The Corps has made a case-specific determination that the the United States: [] Waste treatment systems, including treatment ponds or [] Artificially irrigated areas, which would revert to upland the principal lakes and ponds created by excavating and/or retain water and which are used exclusively for such pur rice growing. [] Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for pur systems. [] Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition 328.3(a). [] Isolated, intrastate wetland with no nexus to interstate of [] Prior converted cropland, as determined by the Natural I] Non-tidal drainage or irrigation ditches excavated on dry	s of 33 CFR part 328.3(a)(3). If following waters present on the site are not Waters of lagoons, pursuant to 33 CFR part 328.3. If if the irrigation ceased. If the irrigation
DATA REVIEWED FOR JURISDICTIONAL DETERM [X] Maps, plans, plots or plat submitted by or on behalf of the [X] Data sheets prepared/submitted by or on behalf of the app. [X] This office concurs with the delineation report, dated, p. [] This office does not concur with the delineation report, of [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic maps: T. [] U.S. Geological Survey 7.5 Minute Historic quadrangles: [] U.S. Geological Survey 15 Minute Historic quadrangles: [] U.S. Astural Resources Conservation Service Soil Survexial National wetlands inventory maps: Troy North Quad [X] State/Local wetland inventory maps: Troy North Quad [Y] FEMA/FIRM maps: [Y] 100-year Floodplain Elevation is: (NGVD) [Y] Aerial Photographs (Name & Date): [Y] Other photographs (Date): [Y] Advanced Identification Wetland maps: [X] Site visit conducted on: 7-25-00 and 10-17-00 [Y] Applicable/supporting case law: [Y] Other information (please specify):	e applicant. olicant. orepared by: lated December 18, 2000, prepared by: North Country Ecological Services roy North Quad

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01210 PROJECT LOCATION INFORMATION: New York State: Schenectady County: Center coordinates of site (latitude/longitude): lat:42-52-18.4080 lon:73-57-15.0120 Approximate size of area (parcel) reviewed, including uplands: 66.28 acres. Name of nearest waterway: Unnamed Tributary Name of watershed: MOHAWK RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visits [X]Date: 29 October 2003 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland on the site are associated with unnamed tributaries to the Indian Kill, which ultimately drains to the Mohawk River, a navigable waterbody.

[] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[X] shelving	[] other:
[] other:	·
I I Many III ah Water Mark indicated has	
[] Mean High Water Mark indicated by:	- F. F
[] survey to available datum; [] physical markings	s; [] vegetation lines/changes in vegetation types.
IVI Watland houndaries, as shown on the etteched watl	and delineation map and/or in a delineation report prepared by: EDP,
LLP	and defineation map and/or in a defineation report prepared by, EDF,
LL	
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	2 mont 238(a)(1, 2, on 4.7)
[] Unable to confirm the presence of waters in 33 CFR	
[] Headquarters declined to approve jurisdiction on the	
	nat the following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment por	
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	and/or diking dry land to collect and
retain water and which are used exclusively for s	such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other s	small ornamental bodies of water created
by excavating and/or diking dry land to retain wa	
	lental to construction activity and pits excavated in dry land for
	ss and until the construction or excavation operation is
	the definition of waters of the United States found at 33 CFR
328.3(a).	the definition of waters of the Office States found at 35 CFR
[X] Isolated, intrastate wetland with no nexus to inte	arctata commarca
	latural Resources Conservation Service. Explain rationale:
[] Frior converted cropiand, as determined by the N	atural Resources Conscivation Service. Explain rationale.
[] Non-tidal drainage or irrigation ditches excavated	on dry land Evoluin rationale:
[] Other (explain):	on dry land. Explain rationale.
[] Other (explain).	
DATA DEVIEWED FOR HIDIODICTIONAL DETERM	UNATION (mark all that apply).
DATA REVIEWED FOR JURISDICTIONAL DETERM	
[X] Maps, plans, plots or plat submitted by or on behalf	
[X] Data sheets prepared/submitted by or on behalf of the	
[X] This office concurs with the delineation report, of	
[] This office does not concur with the delineation r	report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	·
[X] U.S. Geological Survey 7.5 Minute Topographic ma	ps:
[] U.S. Geological Survey 7.5 Minute Historic quadrang	
[] U.S. Geological Survey 15 Minute Historic quadrang	les:
[X] USDA Natural Resources Conservation Service Soil	Survey:
[X] National wetlands inventory maps:	
[X] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[X] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on:	
[] Applicable/supporting case law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2003-00805

PROJ	ECT LOCATION	N INFORMATION:							
	State:	New York							
	County:	Putnam							
	Center coordinates of site (latitude/longitude): lat:41-22-33.9600 lon:73-38-7.4040								
	Approximate size of area (parcel) reviewed, including uplands: 30 acres. Name of nearest waterway: East Branch Croton River								
	Name of water	rshed: HUDSON RIVE	R - YONK	ERS TO POUGHKEEPSIE					
JURIS	DICTIONAL DI	ETERMINATION							
	Completed:	Desktop determination	[]	Date:					
	•	Site visit(s)	[X]	Date(s): September 16, 2003					
	Jurisdictional	Determination (JD):							
	[X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).								
	[] Approved J Check all ti		ealable ac	etion (Reference 33 CFR part 331).					
	[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
	[] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
	[] <i>There an</i> [] D	re "isolated, non-navigable, int ecision supported by SWANCO	<i>ra-state w</i> C/Migrator	aters or wetlands" within the reviewed area. y Bird Rule Information Sheet for Determination of No Jurisdiction.					
BASIS	A. Waters def		as "navi	gable waters of the United States":					
				and flow of the tide and/or are presently used, or have been used					
	in the past,	or may be susceptible for use	to transpe	ort interstate or foreign commerce.					

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The East Branch Croton River flows to the Croton River, which flows to the Hudson River, which is navigable.

	Extent of Jurisdiction: (Reference: 33 CFR]	
[X] Ordi	inary High Water Mark indicated by:	[] High Tide Line indicated by:
	clear, natural line impressed on the bank	[] oil or scum line along shore objects
	he presence of litter and debris	[] fine shell or debris deposits (foreshore)
	changes in the character of soil	[] physical markings/characteristics
	destruction of terrestrial vegetation	[] tidal gages
	nelving	[] other:
[] oti	her:	
[] Mean	1 High Water Mark indicated by:	
		e; [] vegetation lines/changes in vegetation types.
[] Wetla	and boundaries, as shown on the attached wetla	nd delineation map and/or in a delineation report prepared by:
Basis Fo	or Not Asserting Jurisdiction:	
	reviewed area consists entirely of uplands.	
	ele to confirm the presence of waters in 33 CFR	part 328(a)(1 2 or 4-7)
	quarters declined to approve jurisdiction on the	
	•	at the following waters present on the site are not Waters of
	United States:	1 1 22 CIPD - 4 200 2
	aste treatment systems, including treatment por	
	rtificially irrigated areas, which would revert to	
	rtificial lakes and ponds created by excavating	
ret	tain water and which are used exclusively for s	uch purposes as stock watering, irrigation, settling basins, or
	ce growing.	
	rtificial reflecting or swimming pools or other s	mall ornamental bodies of water created
L 3	excavating and/or diking dry land to retain wa	
		ental to construction activity and pits excavated in dry land for
		ss and until the construction or excavation operation is
aba		the definition of waters of the United States found at 33 CFR
	olated, intrastate wetland with no nexus to inter	state commerce.
		atural Resources Conservation Service. Explain rationale:
	on-tidal drainage or irrigation ditches excavated	
	ther (explain):	on any tanàna ampiana nanona ny
[] 🗸	nor (enplani)	
DATA DENTENTE	TO EAD HIDIODICTIONAL DETERMINAT	ION (mark all that apply)
	ED FOR JURISDICTIONAL DETERMINATI	
	s, plans, plots or plat submitted by or on behalf	
	sheets prepared/submitted by or on behalf of th	
	nis office concurs with the delineation report, de	
	nis office does not concur with the delineation r	eport, dated , prepared by (company):
	sheets prepared by the Corps.	
[] Corps	' navigable waters' studies:	
[] U.S. C	Geological Survey Hydrologic Atlas:	
	Geological Survey 7.5 Minute Topographic ma	ps: Lake Carmel, NY
	Geological Survey 7.5 Minute Historic quadrang	
	Geological Survey 15 Minute Historic quadrang	
	A Natural Resources Conservation Service Soil	
	onal wetlands inventory maps: Lake Carmel, N	
÷ -		
	/Local wetland inventory maps: Lake Carmel, I	N I
	A/FIRM maps (Map Name & Date):	
, ,	ear Floodplain Elevation is: (NGVD)	
	Photographs (Name & Date):	
	r photographs (Date):	
[] Advan	nced Identification Wetland maps:	
	visit/determination conducted on: September 16	, 2003
	cable/supporting case law:	
	information (please specify):	
L 1 Other		

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE	NUMBER:	2003-00814		
PROJI	ECT LOCATION	INFORMATION:		
	State:	New York		
	County:	Orange		
	Center coordin	ates of site (latitude/longitude): lat:41-	27-10.8000 lon:74-7-1.2000
	Approximate s	ize of area (parcel) reviewed,	including	uplands: 3.88 acres.
	Name of neare	st waterway: Beaver Brook		
	Name of water	shed: HUDSON RIVER	t - YONK	CERS TO POUGHKEEPSIE
JURIS	DICTIONAL DE	TERMINATION		
0 0 1 1 1 2	Completed:	Desktop determination	[]	Date:
		Site visit(s)	[X]	Date(s): July 22, 2003
		,		
	Jurisdictional	Determination (JD):		
	United Stat			[X] there appear to be (or) [] there appear to be no "waters of the ted States" on the project site. A preliminary JD is not appealable
	[] Approved Ji Check all th		ealable ac	etion (Reference 33 CFR part 331).
		e "navigable waters of the Un ne reviewed area. Approxima		s" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:
		e "waters of the United States area. Approximate size of ju		ned by 33 CFR part 328 and associated guidance) within the nal area:
				aters or wetlands" within the reviewed area. Bird Rule Information Sheet for Determination of No Jurisdiction
BASIS	OF JURISDICT	IONAL DETERMINATION	•	
				gable waters of the United States":
				and flow of the tide and/or are presently used, or have been used out interstate or foreign commerce.
	B. Waters defi	ned under 33 CFR part 328.	.3(a) as "	waters of the United States":
	[](1) The pres	ence of waters, which are cur	rently use	ed, or were used in the past, or may be susceptible to use in
				ters which are subject to the ebb and flow of the tide.
	[](2) The pres	ence of interstate waters inclu	ding inte	rstate wetlands ¹ .
	[](3) The pres	ence of other waters such as i	ntrastate	lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats	wetlands, sloughs, prairie po	tholes, we	et meadows, playa lakes, or natural ponds, the use, degradation or
				merce including any such waters (check all that apply):
				te or foreign travelers for recreational or other purposes.
				uld be taken and sold in interstate or foreign commerce.
				trial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Waters on site include Beaver Brook, which flows to Beaverdam Lake, which flows to Moodna Creek, which flows to the Hudson River, which is navigable.

[X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
	[] Other.
[] other:	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetl	land delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
Unable to confirm the presence of waters in 33 CFI	R part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the	
	hat the following waters present on the site are not Waters of
the United States:	hat the following waters present on the site are not waters of
[] Waste treatment systems, including treatment po	ands or laggons, pursuant to 33 CFR part 328 3
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other	
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unle	ess and until the construction or excavation operation is
abandoned and the resulting body of water meets	s the definition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to inte	rstate commerce.
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated	d on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERMINAT	ION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behal	
Data sheets prepared/submitted by or on behalf of the	
[] This office concurs with the delineation report, d	* *
[] This office does not concur with the delineation	
	report, dated , prepared by (company).
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	C)
[X] U.S. Geological Survey 7.5 Minute Topographic management of the control of th	
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadrang	
[X] USDA Natural Resources Conservation Service Soil	l Survey: Orange County, NY
[X] National wetlands inventory maps: Cornwall, NY	
[X] State/Local wetland inventory maps: Cornwall, NY	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: July 22, 2003	3
[] Applicable/supporting case law:	,
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-00719 PROJECT LOCATION INFORMATION: State: New York County: Albany Center coordinates of site (latitude/longitude): lat:42-42-50.7240 lon:73-56-30.0480 Approximate size of area (parcel) reviewed, including uplands: 199 acres. Name of nearest waterway: Unnamed Stream HUDSON RIVER - POUGHKEEPSIE TO TROY Name of watershed: JURISDICTIONAL DETERMINATION Date: Completed: Desktop determination Date(s):September 15, 2004 Site visit(s) [X] Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:25.66 acres of waters of the United States, including wetlands and 8,493 linear feet of stream channel. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [](1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waters within the wetlands and stream channel flow into the Normans Kill, which flows into the Hudson River a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CF	R parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	
71.4 W. 1 W. 1 W. 1 1 1 1 1 1 1 1 1 1 1 1 1	
[] Mean High Water Mark indicated by:	ngs; [] vegetation lines/changes in vegetation types.
[] survey to available datum, [] physical marking	ngs, [] vegetation integendinges in vegetation types.
[X] Wetland boundaries, as shown on the attached w Chazen Companies	etland delineation map and/or in a delineation report prepared by: The
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 C	FR part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on t	
	n that the following waters present on the site are not Waters of
the United States:	•
[] Waste treatment systems, including treatment [ponds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert	
[] Artificial lakes and ponds created by excavatir	
	r such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other	er small ornamental bodies of water created
by excavating and/or diking dry land to retain	water for primarily aesthetic reasons.
	cidental to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel u	nless and until the construction or excavation operation is
abandoned and the resulting body of water me	ets the definition of waters of the United States found at 33 CFR
328.3(a).	
[X] Isolated, intrastate wetland with no nexus to i	
[] Prior converted cropland, as determined by the	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excava	ted on dry land. Explain rationale;
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETER	RMINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on beh	
[X] Data sheets prepared/submitted by or on behalf o	
[X] This office concurs with the delineation repor	t, dated June 2, 2004, prepared by: The Chazen Companies
[] This office does not concur with the delineatio	
Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic	maps: Voohreesville Quad
[] U.S. Geological Survey 7.5 Minute Historic quadr	
[] U.S. Geological Survey 15 Minute Historic quadra	ingles:
[X] USDA Natural Resources Conservation Service S	oil Survey: Albany County Soil Survey
[X] National wetlands inventory maps: Voohreesville (Quad
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on:September	15, 2004
[] Applicable/supporting case law:	
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2005-00862

P	R	O.	Æ	СТ	L	O	CA	T	Ю	N	INF	OI	RM	ΑT	'IO	N	:
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State:

New Jersey

County: Hudson

Center coordinates of site (latitude/longitude): lat:40-38-57.6600 lon:74-6-49.7880

Approximate size of area (parcel) reviewed, including uplands: 78 acres.

Name of nearest waterway: Kill Van Kull Name of watershed: KILL VAN KULL

JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

[X] Date:

May 26, 2006

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

[)	[X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
[]	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5) or B(3) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(3) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is located in the Kill Van Kull, which is a tidal waterway that contains a Federally maintained navigation channel.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR p	,
	[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
	[] other:	
	[X] Mean High Water Mark indicated by:	er. [] vegetation lines/shanges in vegetation types
	[] survey to available datum; [X] physical marking	s, [] vegetation fines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wetland	nd delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CFR	part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the	basis of 33 CFR part 328.3(a)(3).
		at the following waters present on the site are not Waters of
	the United States: [] Waste treatment systems, including treatment pon	ads or laggons, pursuant to 33 CED part 328 3
	[] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds created by excavating a	
		uch purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or other s	
	by excavating and/or diking dry land to retain wa	
		ental to construction activity and pits excavated in dry land for
		ss and until the construction or excavation operation is
		the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[] Isolated, intrastate wetland with no nexus to inter	
	[] Prior converted cropland, as determined by the N	atural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated	on dry land. Explain rationale:
	[] Other (explain):	7
DATA	REVIEWED FOR JURISDICTIONAL DETERMINATI	(ON (mark all that anniv)
DAIA	[X] Maps, plans, plots or plat submitted by or on behalf	*
	Data sheets prepared/submitted by or on behalf of the	
	[] This office concurs with the delineation report, da	
	This office does not concur with the delineation report, de	
	Data sheets prepared by the Corps.	cport, dated , prepared by (company).
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[] U.S. Geological Survey 7.5 Minute Topographic map	
	[] U.S. Geological Survey 7.5 Minute Historic quadrang	
	[] U.S. Geological Survey 15 Minute Historic quadrang	
	[] USDA Natural Resources Conservation Service Soil S	Survey:
	[] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	[] FEMA/FiRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	[] Other information (please specify):	
	· · · · · · · · · · · · · · · · ·	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: NAN-2005-1283-WSH PROJECT LOCATION INFORMATION: New York State: County: Saratoga Center coordinates of site (latitude/longitude): lat: 42-58-00 lon: 73-51-50 Approximate size of area (parcel) reviewed, including uplands: 26 acres. Name of nearest waterway: Unnamed Trib to Morning Kill Hudson River Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [X]Date(s): 4-5-06 Site visit(s) Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [](1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [](2) The presence of interstate waters including interstate wetlands¹. [](3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,

- sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The water within the wetlands and the unnamed trib, flow into the Morning Kill, then into the Kayaderosseras Creek, which flows into the Hudson River which is currently a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 C	FR parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:

[X] clear, natural line impressed on the bank

[] oil or scum line along shore objects

[] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	[] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached we Design Partnership, LLP	tland delineation map and/or in a delineation report prepared by: Environmental
Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR p [] Headquarters declined to approve jurisdiction on the b [] The Corps has made a case-specific determination that the United States: [] Waste treatment systems, including treatment ponds	pasis of 33 CFR part 328.3(a)(3). It the following waters present on the site are not Waters of
[] Artificially irrigated areas, which would revert to up [] Artificial lakes and ponds created by excavating and retain water and which are used exclusively for such rice growing.	pland if the irrigation ceased. I/or diking dry land to collect and purposes as stock watering, irrigation, settling basins, or
the purpose of obtaining fill, sand, or gravel unless a abandoned and the resulting body of water meets the 328.3(a).	for primarily aesthetic reasons. tal to construction activity and pits excavated in dry land for and until the construction or excavation operation is definition of waters of the United States found at 33 CFR
 [X] Isolated, intrastate wetland with no nexus to interst [] Prior converted cropland, as determined by the Natu [] Non-tidal drainage or irrigation ditches excavated or [] Other (explain): 	ral Resources Conservation Service. Explain rationale:
	of the applicant. applicant. ed March 2006, prepared by: Environmental Design Partnership, LLP
[] This office does not concur with the delineation report [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic maps [] U.S. Geological Survey 7.5 Minute Historic quadrangle [] U.S. Geological Survey 15 Minute Historic quadrangle [] USDA Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangle [] USDA Natural Resources Conservation Service Soil Survey 15 Minute Topographic Management (E. M. 1998) [] W.S. Geological Survey 15 Minute Topographic maps [] U.S. Geological Survey 15 Minute Topographic maps [] U.S. Geological Survey 15 Minute Topographic maps [] U.S. Geological Survey 15 Minute Historic quadrangle [] U.S. Geolog	es:
[] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps: [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date):	
 Other photographs (Date): Advanced Identification Wetland maps: Site visit conducted on: 4-5-06 Applicable/supporting case law: Other information (please specify): 	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2006-00151

PROJECT LOCA	TION INFORMATION:			
State:	New York			
County:				
	s of site (latitude/longitude):			
	of area (parcel) reviewed, ir		plands: 48.50 acres.	
	waterway: Unnamed Tributa			
Name of watershe	d: HUDSON RIVER	- NORTH	OF TROY	
JURISDICTIONA	L DETERMINATION			
Completed:	Desktop determination	[]	Date:	
	Site visit(s)	[X]	Date(s): May 16, 2006	
Jurisdictional I	Determination (JD):			
United	JD - Based on available info d States" and/or "navigable v rence 33 CFR part 331).	rmation, [waters of th] there appear to be (or) [] there appear to be no "waters of the ne United States" on the project site. A preliminary JD is not appealable	
[X] Approved JI Check all tha		pealable a	ction (Reference 33 CFR part 331).	
[] There are within the	"navigable waters of the Un e reviewed area. Approxima	nited States te size of j	" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:	
[X] There are reviewed stream channel.	e "waters of the United State area. Approximate size of j	es" (as defin urisdiction	ned by 33 CFR part 328 and associated guidance) within the al area: 5.02 acres, including wetlands and 900 linear feet of intermittent	
[X] There are	e "isolated, non-navigable, in cision supported by SWANC	<i>itra-state w</i> CC/Migrato	aters or wetlands" within the reviewed area. ory Bird Rule Information Sheet for Determination of No Jurisdiction.	
RASIS OF JURISI	DICTIONAL DETERMINA	TION:		
			able waters of the United States":	
[] The presence	of waters that are subject to	the ebb a	nd flow of the tide and/or are presently used, or have been used or interstate or foreign commerce.	
B. Waters defin	ed under 33 CFR part 328	.3(a) as "v	waters of the United States":	
[] (1) The prese	ence of waters, which are cur	rrently use	d, or were used in the past, or may be susceptible to use in	
interstate	or foreign commerce, includ	ling all wat	ters which are subject to the ebb and flow of the tide.	
[] (2) The prese	ence of interstate waters inclu	uding inter	state wetlands ⁴ .	
[] (3) The prese	mee of other waters such as	intrastate l	akes, rivers, streams (including intermittent streams), mudflats,	
sandflats,	wetlands, sloughs, prairie po	otholes, we	t meadows, playa lakes, or natural ponds, the use, degradation or	
destruction	n of which could affect inter	state comn	nerce including any such waters (check all that apply):	
[] (i) \	which are or could be used b	by interstate	e or foreign travelers for recreational or other purposes.	
[] (ii)	from which fish or shellfish	are or cou	ald be taken and sold in interstate or foreign commerce.	
			rial purposes by industries in interstate commerce.	
[] (4) Impoundn	nents of waters otherwise de	inned as w	arers or the US.	
	ence of a tributary to a water	a identified	u m (1) ~ (4) above.	
[X] (7) The prese	ence of territorial seas. Bence of wetlands adjacent ² to	o other wat	ters of the US, except for those wetlands adjacent to other wetlands.	
N. 43	Daria of Tamindintional Pata		(applies to any haves checked above) If the jurisdictional water or	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waters within the wetlands and intermittent stream channel flow into roadside ditches prior to flowing into Slade Creek, which flows into Geyser Brook, then the Kayaderosseras Creek, then Saratoga Lake, then Fish Creek, and finally into the Hudson River, which is a navigable waterway.

I	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
[X] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
	[] clear, natural line impressed on the bank [] oil or scum line along shore objects
	[] the presence of litter and debris [] fine shell or debris deposits (foreshore)
	[] changes in the character of soil [] physical markings/characteristics
	[] destruction of terrestrial vegetation [] tidal gages
	[] shelving [] other:
	[] other:
Ĺ	Mean High Water Mark indicated by:
	[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: North Country Ecological Services, Inc.
E	asis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
[]	X] The Corps has made a case-specific determination that the following waters present on the site are not Waters of
	the United States:
	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	[X] Isolated, intrastate wetland with no nexus to interstate commerce.
	[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	[] Other (explain):
	A REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Compared/submitted by or on behalf of the applicant.
	[X] This office concurs with the delineation report, dated January 24, 2006, prepared by: North Country Ecological Services,
lr	[] This office does not concur with the delineation report, dated, prepared by (company):
г	
] Data sheets prepared by the Corps.] Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
	[] U.S. Geological Survey 7.5 Minute Topographic maps: Corinth Quad
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
L.	[USDA Natural Resources Conservation Service Soil Survey: Saratoga County Soil Survey
	National wetlands inventory maps:
	[State/Local wetland inventory maps: Corinth Quad
	FEMA/FIRM maps (Map Name & Date):
	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
	Other photographs (Date):
	Advanced Identification Wetland maps:
	[3] Site visit/determination conducted on: May 16, 2006
	Applicable/supporting case law:
	Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.